

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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DONNA FOLTMER,	)	
	)	
Charging Party	)	Cause No. 0031010200
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
	)	
ELKS LODGE # 394	)	
	)	
Respondent.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on May 30, 2003. The Commission considered Charging Party's objection to the Notice of Dismissal of her complaint. Charging Party made a timely request for oral argument and by notice, the matter was set for hearing on May 30, 2003 at 10:45 a.m. In an effort to accommodate the Charging Party, the proceedings were delayed. Charging Party did not make an appearance and at the request of the Respondent (Elks Lodge), represented by Toby Alback, the Commission considered the matter on the existing record and subsequent briefs. *Admin. R. Mont. 24.9.1714(2)*

After due consideration, the Commission concludes that the Human Rights Bureau properly dismissed the matter. The record supports the conclusion that Charging Party was unable to establish by a preponderance of the evidence that she had been subject to discrimination based on age and/or perceived disability. *See Mont. Code Ann. § 49-2-504(1)(a)* Consequently, the Commission determines there was no abuse of discretion by the Human Rights Bureau in its issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) and Admin. R. Mont. 24.9.1714(5)* If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and notice of dismissal is affirmed.

Dated this \_\_\_\_\_ day of June 2003

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Mr. Gary Hindoién, Chair  
Montana Human Rights Commission

## CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on June \_\_\_\_, 2003.

DONNA FOLTMER  
511 9<sup>TH</sup> STREET WEST  
BILLINGS MT 59101

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ELKS LODGE # 394  
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TOBY ALBACK  
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Montana Human Rights Bureau